

United States District Court
DISTRICT OF Massachusetts

UNITED STATES OF AMERICA

v.

DWAYNE THOMAS

CRIMINAL COMPLAINT

CASE NUMBER: 05M-1632-JLD

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 7 through July 16, 2004 in Suffolk county, in the

District of Massachusetts defendant(s) did, (State Statutory Language of Offense)
 knowingly and willfully execute and attempt to execute a scheme and artifice to obtain money, funds and other property owned by and under the custody and control of federally insured financial institutions, namely Citizens Bank and Fleet Bank among others, through false statements, representations and pretenses, and for the purpose of executing this scheme and attempting to do so, did cause the withdrawal of money from the accounts of legitimate account holders without either the account holders' or the banks' permission

in violation of Title 18 United States Code, Section(s) 1344

I further state that I am a(n) Postal Inspector and that this complaint is based on the following facts:

See Attached Affidavit of Paul Durand

Continued on the attached sheet and made a part hereof: Yes No



Paul K. Durand
 Signature of Complainant

Sworn to before me and subscribed in my presence,

2/16/05
 Date

at

Boston, Massachusetts
 City and State

HON. JUDITH G. DEIN
 UNITED STATES MAGISTRATE JUDGE
 Name & Title of Judicial Officer



Judith G. Dein
 Signature of Judicial Officer

AFFIDAVIT OF POSTAL INSPECTOR PAUL K. DURAND

I, Paul K. Durand, having been sworn hereby depose and state as follows:

1. I am a United States Postal Inspector and have been so employed for 18 years. My investigative experience includes, but is not limited to: drug interdiction; child pornography, and internal postal employee investigations. I have previously been stationed in Detroit, Michigan and Indianapolis, Indiana. Since October 1999, I have been assigned to the Boston Field Office to investigate various types of financial crimes, including check and bank fraud, credit card fraud, and identity theft. I have attended numerous check and credit card fraud working group meetings. I have also received training in this area sponsored by the International Association of Financial Crimes Investigators. I have made numerous arrests and executed several search warrants in this field.

2. I know that Title 18, United States Code, Section 1344 makes it a crime to defraud or attempt to defraud a federally insured financial institution.

3. This affidavit is submitted in support of a complaint charging DWAYNE THOMAS, (DOB: 7/15/1959) ("THOMAS") with Bank Fraud in violation of Title 18, United States Code, Section 1344.

4. The facts stated in this affidavit are based upon my personal knowledge, as well as upon conversations I have had with other law enforcement officers and other individuals involved in this investigation. Since this affidavit is made for the limited purpose of supporting a complaint, I have not set forth each and every fact learned during the course of this investigation. Rather, I have set forth only those facts that I believe are necessary to establish probable cause for the offense charged in this complaint.

5. During much of 2004, other law enforcement officers and I were involved in the investigation of a bank fraud scheme in which there is probable cause to believe THOMAS was a participant. The scheme involved the "takeover" of legitimate bank accounts at Citizens Bank. THOMAS and other individuals used counterfeit identification cards, such as driver's licenses, to pose as the true account holders and made withdrawals on these accounts.

6. At all relevant times to this investigation, the deposits of Citizens Bank and were insured by the Federal Deposit Insurance Corporation.

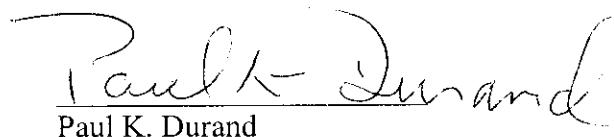
7. On July 7, 2004, THOMAS posed as a person with the initials DG. DG is a true person, a resident of Charlestown, Massachusetts and a Citizens Bank account holder. At approximately 13:14 at the Citizens Bank located at 1628 Tremont St, Boston, THOMAS withdrew \$19,000 from DG's account. Specifically, he transferred \$10,000 into the account of a person with the initials LC and withdrew \$9,000 in cash.

8. I have reviewed bank surveillance photos from this incident, along with photocopies of a Visa card in DG's name and of the counterfeit Massachusetts driver's license bearing DG's personal information data, both of which THOMAS presented to facilitate the withdrawal and both of which were retained by bank personnel. The bank surveillance photographs and the driver's license both clearly show THOMAS as the perpetrator of this fraud.

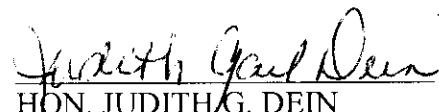
9. On July 16, 2004, at 14:24 at the Citizens Bank branch located at 731 Morrissey Boulevard in Dorchester, Massachusetts, THOMAS was captured on bank surveillance videotape withdrawing \$4,000 from the DG account.

10. On August 20, 2004, I spoke with THOMAS and he told me that he had posed as DG and withdrawn money from DG's account on at least one occasion.

11. Based on the above, I submit there is probable cause to believe that beginning from July 7, 2004 through July 16, 2004, DWAYNE THOMAS did execute and attempt to execute a scheme to defraud a financial institution, and to obtain moneys owned by and under custody and control of such financial institution by means of false and fraudulent pretenses, representations, and promises in violation of Title 18, United States Code, Section 1344.


Paul K. Durand
Postal Inspector

Subscribed and sworn before me this the 16 day of February 2005.


HON. JUDITH G. DEIN
U.S. Magistrate Judge

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency POSTALCity Boston and other places Related Case Information:County Suffolk Superseding Ind./ Inf. _____ Case No. _____

Same Defendant _____ New Defendant _____

Magistrate Judge Case Number _____

Search Warrant Case Number _____

R 20/R 40 from District of _____

Defendant Information:Defendant Name DWAYNE THOMAS Juvenile Yes No

Alias Name _____

Address 45 Evelyn Street, Mattapan, MABirth date (Year only): 1959 SSN (last 4 #): 6697 Sex M Race: Bl Nationality: USA

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Seth Berman Bar Number if applicable 629332Interpreter: Yes No List language and/or dialect: _____Matter to be SEALED: Yes No Warrant Requested Regular Process In Custody**Location Status:**

Arrest Date: _____

 Already in Federal Custody as _____ in _____. Already in State Custody _____ Serving Sentence Awaiting Trial On Pretrial Release: Ordered by _____ on _____Charging Document: Complaint Information IndictmentTotal # of Counts: Petty _____ Misdemeanor _____ Felony _____ One _____

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: 2/3/05Signature of AUSA: 

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy clerk): _____

Name of Defendant DWAYNE THOMAS

U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>18 U.S.C. §1344</u>	<u>Bank Fraud</u>	<u>1</u>
Set 2 _____	_____	_____
Set 3 _____	_____	_____
Set 4 _____	_____	_____
Set 5 _____	_____	_____
Set 6 _____	_____	_____
Set 7 _____	_____	_____
Set 8 _____	_____	_____
Set 9 _____	_____	_____
Set 10 _____	_____	_____
Set 11 _____	_____	_____
Set 12 _____	_____	_____
Set 13 _____	_____	_____
Set 14 _____	_____	_____
Set 15 _____	_____	_____

ADDITIONAL INFORMATION: